

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

v.

DARRELL WAYNE SMITH,

Defendant.

Case No. 23-CR-0110 YGR

**PRETRIAL ORDER NO. 2 RE: TRIAL  
CONFERENCE**

Having considered the filings to date and the pretrial conference which occurred on February 28, 2025, and for good cause shown, the Court enters the following additional orders:

1. **Standard Motions in Limine:** The Court hereby orders that witnesses shall be excluded until testimony is completed except for the defendant and the two government agent-representatives. Additionally, defendant's expert may listen to the testimony of the government's expert via a secured streaming Zoom line so as to provide assistance to defense counsel. This is much more efficient than having the person attend live and does not have any significant risks. All parties concur.

2. **Witnesses:** The government has filed its list of all potential witnesses and is limited to that list without permission from the Court. The parties have provided the Court with an alphabetical list of all potential witnesses, attorneys, trial team members, including any person who may appear in Court so that the Court can determine whether any prospective juror knows such person.

3. The government's victim witnesses shall be addressed by first name only. They shall be sworn at 8:00 a.m. each morning using their full name outside the presence of the jury and shall be sworn again using their first name in front of the jury.

4. **Exhibits and Exhibit Lists:** The government has filed its list of all potential

exhibits and is limited to that list without permission from the Court.

5. Given the nature of the evidence in this trial, all computers which may face the jury or public shall be outfitted with screen protectors to limit access to the evidence displayed on the screen.

6. **Jury Instructions:** The parties have filed joint jury instructions and verdict form to which there are no objections. The Court's practice is not to admit the Indictment as such document is not evidence. Accordingly, if needed, the instructions shall be revised to provide the necessary contents from the Indictment.

7. **Exculpatory Evidence:** The Court acknowledges that the government has represented that it has produced all known and available exculpatory or other evidence favorable to the defendant and that it will continue to produce any additional materials if it becomes available.

8. **Equipment:** Projectors, screens and similar equipment must be tested in the courtroom prior to the day when it will be used. Arrangements may be made with the Courtroom Deputy, Edwin Cuenco at (510) 637-3540, as to appropriate time for doing so. Defense counsel may reserve a conference room in the attorneys' lounge for the period of the trial. However, they are only available on a first-come, first-serve basis. Further, parties must provide the Court with a form of order for (i) any equipment or supplies requested to be brought into the courthouse and (ii) any in-custody witness to be dressed in civilian clothing.

9. **Failure to Comply:** Failure to comply with the obligations set forth in this order will result in sanctions appropriate to the gravity of the failure, including, but not limited to monetary fines and/or evidentiary sanctions.

**IT IS SO ORDERED.**

Dated: March 7, 2025

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE